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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

EXCISE DEPARTMENT.

SUBSIDIARY OPIUM RULES.

Notification No. R. Dis. 88-22, dated 6th June 1923.

With reference to the Opium Rules contained in Government Notification No. R. Fl. 5107—Ex. 6-21-39, dated 8th May 1923, the Excise Commissioner hereby prescribes and publishes under Rule XXX, the following subsidiary rules and forms, in supersession of all previous ones. The rules will come into force from 1st July 1923.

I. Licenses for retail vend granted by the Deputy Commissioner shall be in Form I annexed. A counterpart of each license shall be executed by the licensed vendor and filed in the office of the Deputy Commissioner.

II. Licenses for the sale by druggists of raw opium and admixtures of opium for medicinal purposes only may be issued by the Deputy Commissioner in Form II. They shall be granted only to respectable persons engaged in the sale of medicines. Every such license shall expire on the 30th June following the date of issue.

Licenses for the sale by druggists of raw opium and admixtures of opium.

III. The fee for each such license shall ordinarily be Re. 1 per annum, but no fee will be charged for the grant of a druggist's license to a person holding a dealer's license or a chemist's license under the Dangerous Drugs Rules, and a druggist's license will ordinarily be granted to every such person who desires one.

NOTE.—Druggist's licenses for dealings in raw opium and admixtures of opium will not be required by the officers in charge of State, charitable or other institutions admitted by the Excise Commissioner to the benefit of the exemptions notified as permissible in respect of such dealings by them.

IV. In order that licensed druggists may be exposed as little as possible to the temptation of using their licenses as a cloak for the surreptitious sale of raw opium and its admixtures for non-medicinal purposes, and thus competing with licensed vendors to the detriment of the revenue, they will ordinarily be required to obtain their supplies of raw opium from licensed retail vendors. Special authorities to obtain supplies from other sources should be most sparingly granted by the Deputy Commissioner.

V. The acknowledgment to be given, by a licensed druggist or a person in charge of an exempted institution, to a licensed vendor for raw opium purchased from him shall be in the following form, *viz.* " I..... (1) holding a druggist's license for the sale for medicinal purposes at ..... (2) of raw opium and its admixtures (or being in charge of ..... (3) which has been admitted by the Excise Commissioner to the benefit of exemption) hereby acknowledge having purchased from.....(4) licensee for the retail sale of raw opium ..... (5 and 6) tolas of raw opium this ..... day of.....192 .

Signature

Date "

VI. Unless specially exempted from doing so, by the order of the Deputy Commissioner endorsed on his license, every licensed druggist shall maintain and shall sign daily a daily account of all raw opium and admixtures of opium manufactured, possessed, sold or supplied by him. A separate set of pages shall be set aside for raw opium and for each admixture of opium dealt in under the license. The account shall be in Form III and printed books containing these forms shall be supplied by the Deputy Commissioner to licensed druggists on payment of such price as may be fixed from time to time.

VII. The Deputy Commissioner may apply through the proper channel to the Hon'ble the Resident in Mysore to grant to any licensed druggist or person in charge of an exempted institution a pass for the import from beyond seas or for the import from or transport through British India or for the import from a Native State of admixtures of opium for medicinal use not exceeding the quantity which such licensed druggist or person may lawfully possess.

VIII. Stocks of raw opium will be maintained at Taluk or District Treasuries wherever the Deputy Commissioner may so direct for supply to licensed vendors or licensed druggists.

IX. No raw opium shall be removed from a treasury until a pass for its removal has been obtained from the officer in charge of the treasury.

X. The issue price of raw opium shall be paid before its removal from the treasury at such rate as may be fixed and notified, into the treasury at which the purchase is to be made.

XI. Raw opium will be issued from the treasuries in entire cakes of 20 or 40 tolas, and no allowance will be made for any excess or dryage in the cakes.

XII. A licensed vendor, or a licensed druggist when specially permitted, desiring to procure raw opium from a treasury must first pay the issue price at the prescribed rate into the Government Treasury of the taluk in which his shop is situated, or with the permission of the Deputy Commissioner into any other treasury in the district. He will present with the money a chellan which may be obtained from the Treasury Officer. The latter, after assuring himself that the applicant is a licensed vendor or a licensed druggist specially permitted to obtain supplies from the Treasury, will grant him a receipt.

NOTE.—The Treasury Officers will be furnished, from time to time, by the Deputy Commissioner with a list of the licensed vendors to whom alone raw opium may be supplied.

XIII. The officer will thereupon issue the raw opium and grant a pass signed by the Amildar or in his absence by the Taluk Sheristedar.

XIV. Packing charges at the treasuries, in respect of raw opium issued otherwise than on Government account, must be defrayed by buyers before removal. Purchasers of raw opium should make their own arrangements for its removal from the treasury.

XV. Any person found guilty of any breach of the opium Act, 1878, or of any rule framed thereunder or otherwise committing any offence in respect of the treasury, or of the treasury officials or of any property contained in the treasury, may be excluded from the treasury office by order of the officer in charge.

A. SUBRAHMANYA IYER,
Excise Commissioner.

(1). Name and address.
(2). Description of licensed premises.
(3). Name of exempted institution.
(4). Name.
(5). Place.
(6). Quantity.

FORM I.

License for retail vend of raw opium and its admixtures granted by the Deputy Commissioner and counterpart of the same.

District.
Locality of retail shop.
Name of licensed vendor.

Be it known that....., son of.....resident of..... .....is hereby authorised by the Deputy Commissioner, ...District, to manufacture admixtures of opium and to sell raw opium and its admixtures by retail at ....from the .....of 192 to the... ..... of ....192 ., in pursuance of rules made under the Opium Act and subject to the following conditions:—

1. That the said licensee shall pay to the treasury the sum of Rs.....in the following instalments (in addition to the sum of Rs.....being $\frac{\text{one-sixth}}{\text{one-fourth}}$ of the annual payment, already deposited by him, which, if it be not intermediately forfeited for default or breach of conditions, shall be set off against instalments for the closing months of the license.)

	Rs.		
On the 10th July		On the 10th January	
August		February	
September		March	
October		April	
November		May	
December		June	

2. That in case of default or infringement by the licensee or by his servant or agent, or with his knowledge and consent by any person acting under his authority or on his behalf, of any condition of this license or of any provision of the Act or of regulations or rules made thereunder it shall be competent to the Deputy Commissioner (without prejudice to the liability to punishment under the Act of the licensee or of any person by whom an offence punishable under the Act may have been committed) to cancel this license, to confiscate the deposit, and to resell the license at the risk of the licensee, and, after deducting the confiscated deposit from any loss arising from the resale, to recover the remainder, if any, from the licensee, as if it were an arrear of revenue.

3. That the licensee shall not be entitled to any portion of the profit, if any, arising on such resale.

4. That he will sell only raw opium obtained in accordance with the rules made under the Act and admixtures manufactured from raw opium so obtained.

5. (*a*) That he will not sublet or transfer the business covered by this license, nor employ therein any salesman without the express sanction, endorsed on this license, of the Deputy Commissioner. That no person suffering from leprosy or other contagious disease shall be employed in the manufacture, transport or sale of raw opium or its admixtures, and that no minor, female other than a relative of the licensee, or eunuch shall be employed in the sale of opium or its admixtures.

(*b*) That he will not, without the written permission of the Deputy Commissioner, hold or acquire any interest in a license or contract for the retail sale in the area covered by this license, or in any adjacent area, of any excisable commodity other than raw opium and its admixtures, nor will he without such permission employ any person holding such an interest.

6. That he will sell raw opium and its admixtures only at the shop for which this license is granted.

7. That he will not permit the consumption of raw opium or its admixtures in his shop or on any other premises in his occupation.

8. That he will not adulterate the raw opium sold by him as such.

9. That he will not receive any wearing apparel or other goods in barter for raw opium or its admixtures.

10. That he will sell no raw opium or its admixtures to any insane or intoxicated person or to any child of under 14 years of age.

11. That excepting as permitted by clause (2) of Rule XVIII of the rules regarding raw opium and its admixtures he will not sell to any one person at any one time more than one tola of raw opium and its admixtures, which is the limit of private possession.

12. That he will not sell prepared opium, nor shall he possess prepared opium, or permit the smoking of opium, on the premises covered by this license.

13. That he will not open his shop or make sales therein between the hour of..... and sunrise, and that he will not harbour any person therein during the night.

14. That he will not permit persons of notoriously bad character to resort to his shop, that he will not permit gaming or disorderly conduct therein, and that he will give information to the nearest Magistrate or Police officer of the resort thereto of any person suspected of the commission of a cognizable offence.

15. That he will have constantly affixed at his shop a signboard bearing the following inscription in the local vernacular:—

".....Licensed to retail raw opium and its admixtures."

16. That he will keep up daily accounts in the annexed forms showing the receipts and expenditure at his shop of raw opium and of its admixtures and the balance in store:—

I. RAW OPIUM.

Date	Quantity of raw opium in store yesterday	Quantity received this day and whence received	Total to be accounted for	Quantity sold this day	Quantity converted this day into admixtures	Quantity left in store

II. ADMIXTURES.

Name of admixture.

Date	Quantity in store yesterday	Quantity received this day and whence received	Total to be accounted for	Quantity sold this day	Quantity in store

17. That he will at once produce his license and accounts for inspection on the demand of any officer of the Excise Department, and that he will permit any such officer to enter his shop at any hour of the day or night.

18. This license shall have effect from the.....to the.....It may be forfeited by order of the Deputy Commissioner in the event of infraction of any of its conditions or of the holder being convicted of an offence against the Act, or the law relating to hemp drugs or excise.

Dated Signed

Deputy Commissioner.

REVERSE OF FORM I.

Name of sanctioned salesman, with parentage and residence	Signature of Deputy Commissioner in token of approval

FORM II.

License granted under the rules relating to raw opium and admixtures of opium for the sale by a druggist of raw opium and admixtures of opium for medicinal purposes only.

(" Licensed Druggist's " License.)

(Name of licensed druggist) .....

(Name or locality of licensed premises) .....
residing at.....is hereby licensed to possess raw opium and to manufacture and possess admixtures of opium and to sell or supply raw opium and admixtures of opium for medicinal purposes only from the.....to the 30th June 192-, subject to the provisions of the Opium Act and of the rules and notifications issued thereunder and to the following conditions, *viz.* :—

1. He shall not transfer or purport to transfer this license to any other person.

2. He shall manufacture, possess, sell and supply raw opium and admixtures of opium only at the premises for which this license is granted and not at any other place.

3. Unless specially authorized by the Deputy Commissioner to obtain it from other sources, he shall obtain by purchase from a licensed retail vendor all raw opium required for use under this license. (In respect of all raw opium so purchased, he shall give the licensed retail vendor a receipt in the prescribed form and shall enter in the space provided in this license the date of purchase and the quantity purchased, and shall show the entry to the licensed retail vendor and obtain his signature if he be literate.)

4. He shall obtain all admixtures of opium required for use under this license either by manufacturing the same from raw opium obtained in the manner required by condition 3 of this license, or by importing the same after compliance with such conditions regarding such import as may from time to time be prescribed by rules made in that behalf.

5. He shall possess and sell under cover of this license no raw opium or admixtures of opium other than such as shall have been obtained in manner provided by conditions 3 and 4 of this license.

6. He shall possess no prepared opium on the premises covered by this license, nor shall he sell prepared opium.

7. He shall not manufacture, possess, or sell any dangerous drug otherwise than under and in accordance with the conditions of a licensed dealer's license or a licensed chemist's license granted to him under the Dangerous Drugs Rules and subsidiary rules and covering the premises covered by this license.

8. Unless he is specially authorized by the Deputy Commissioner in this behalf and such authorization is endorsed on this license, he shall not possess at one time more than one seer in the aggregate of raw opium and admixtures of opium.

9. He shall not sell or supply raw opium or admixtures of opium excepting for *bona fide* medicinal purposes, nor shall he sell or supply to one person on one day raw opium and admixtures of opium exceeding in the aggregate one tola, nor shall he sell or supply raw opium or admixtures of opium to any insane or intoxicated person or to any person under the age of 14 years.

10. Unless he is specially exempted from doing so by order of the Deputy Commissioner endorsed on this license, he shall maintain in the prescribed form and in the prescribed manner a daily account of all raw opium and admixtures of opium manufactured, possessed, sold or supplied by him. A separate set of pages shall be set aside for each admixture of opium manufactured, possessed, sold or supplied.

11. He shall at all times on the demand of the Deputy Commissioner or of any other officer generally or specially authorized by him in writing in this behalf produce this license and the account maintained under condition 10 and shall permit the said officer to inspect the premises covered by and the raw opium and admixtures of opium possessed under this license.

12. This license may at any time be cancelled by the Deputy Commissioner without cause assigned.

Signed .....

Deputy Commissioner.....

Dated the.....

Counterpart.

The foregoing license is accepted by me subject to the provisions contained in it and to the provisions of the Opium Act and of the rules and notifications made and issued thereunder. I also certify that I have been supplied with copies of the said Act and of the rules regarding the sale of raw opium and its admixtures by licensed druggists.

Signature of licensee.....

Date .....

Space for renewals.

Date up to which renewed	Signature of Deputy Commissioner	Date of renewal

Space for entering purchases of raw opium.

(Condition 3.)

Date of purchase	Quantity purchased Seers—Tolas	Name of licensed retail vendor and premises for which licensed	Signature of licensed retail vendor

FORM III.

LICENSED DRUGGIST'S ACCOUNT.

*Raw opium.

*Name of admixture.. ....

Date	Opening balance		Quantity received		Whence received	Total to be accounted for		Quantity sold or supplied		Quantity used in preparing admixtures		Total sold or supplied and used		Balance		Signature of licensed druggist
1	2		3		4	5		6		7		8		9		10
	S	T	S	T		S	T	S	T	S	T	S	T	S	T	

* One or other of these headings to be deleted.